REMARKS

Claims 1-12, 15-34, 37, 43-47, 50-58, 60, 61 and 63-77 were pending. Claims 97-102 have been added. Support for these claims may be found, inter alia, in originally-filed claims 13, 14, 38, 48, 49 and 62, respectively. Claims 75-77 have been made dependent on claim 1. No new matter is added in this amendment. Entry of this amendment is requested such that claims 1-12, 15-34, 37, 43-47, 50-58, 60, 61, 63-77 and 97-102 will be pending.

Restriction Requirement

Part I

The Examiner has required restriction between the following two alleged inventions:

Group I, claims 1-12, 15-34, 37, 43-47, 50-54, 56-58, 60-61, and 63-74, allegedly drawn to a regulated polymerase III expression system, classified in class 536, subclass 24.1.

Group II: claims 75-77, allegedly drawn to a method of reducing and determining the effects of reducing gene expression in a cell or organism, classified in class 435, subclass 6.

In response, applicants hereby elect, with traverse, Group I (claims 1-12, 15-34, 37, 43-47, 50-54, 56-58, 60-61, 63-74 and 98-102), relating to a regulated polymerase III expression system.

Applicants traverse this restriction requirement because it would not impose an undue burden on the Examiner to additionally search Group II claims. Group II claims, as amended, relate to the uses of the expression systems of Group I. Group II claims 75-77 are now dependent on claim 1, which is a Group I claim. Therefore, a search of Group I claims would overlap substantially with those of Group II claims. Since the Examiner would not be unduly burdened searching both Group I and Group II claims, the restriction requirement is improper.

Part II

The Examiner further requires an election of nucleic acid sequences SEQ ID NO:1 or SEQ ID NO:2. In response, Applicants elect, with traverse, SEQ ID NO:1.

The Examiner cites the November 19, 1996 guidelines for examining nucleotide sequences. The guidelines state that the USPTO, to "further aid the biotechnology industry to protect its

intellectual property without creating an undue burden on the Office, has decided sua sponte to partially waive the requirements of 37 CFR 1.141 et seq. and permit a *reasonable* number of such nucleotide sequences to be claimed in a single application." (emphasis added). Applicants traverse the restriction requirement because searching just two sequences, those of SEQ ID NOs: 1 and 2, is a *reasonable* number of sequence under these guidelines. In fact, a single additional sequence for examination, for a total of two sequences, is the most "reasonable" number of additional sequence that anyone could request. While the upper limit for the number of additional sequences that the Patent Office is willing to search is not stated in the guidelines, it is clear that the Commissioner envisioned in his statement the joinder and search of at least one additional sequence.

In sum, Applicants are not burdening the Office with dozens of additional sequences to examiner in one application. Applicants merely request that, in accordance to the partial waiver of 37 CFR 1.141 by the USPTO, applicants be entitled to a single additional species - that of SEQ ID NO:2.

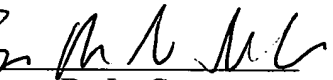
Claims 1-12, 15-34, 37, 43-47, 50-58, 60, 61, 63-77 and 97-102 read on the elected invention.

CONCLUSIONS

Applicants believes no fee is due with this response in addition to those listed in the accompanying fee transmittal document. However, if a fee is due, please charge our Deposit Account No. 18-1945, under Order No. CSHL-P01-012 from which the undersigned is authorized to draw.

Dated: February 20, 2007

Respectfully submitted,

By 

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